

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NORAMEX LLC, dba KORIMPEKS PULP  
AND PAPER, a Washington limited liability  
company,

Plaintiff,

v.

AMERICAN PAPER RECYCLING CORP.,  
an Illinois corporation,

Defendant.

Case No. C05-5588FDB

ORDER GRANTING DEFENDANT'S  
MOTION FOR RECONSIDERATION  
OF REMAND AND DISMISSING  
CAUSE OF ACTION


The Court Granted Defendant American Paper Recycling Corp.'s (APR) Motion to Dismiss for Lack of Personal Jurisdiction [Dkt. # 19] and remanded the matter to Clark County Superior Court. APR moved for reconsideration of the remand portion of the order arguing there is limited authority to remand a matter according to the plain language of Section 1441(c) and 1447(c). *Buchner v. FDIC*, 981 F.2d 816, 819-20 (5<sup>th</sup> Cir. 1993). In a removed case, the appropriate remedy for lack of personal jurisdiction is dismissal, not remand. *Amins v. Life Support Med. Equip. Corp.*, 373 F. Supp. 654, 656 (E.D.N.Y. 1974). Plaintiff Noramex responds that as to the issue of the issue of remand, it would be appropriate for this Court to dismiss this case without prejudice in order that it may be refiled in a Court of competent jurisdiction.

ORDER - 1

1 ACCORDINGLY, IT IS ORDERED:

- 2 1. Defendant's Motion to Reconsider that part of the court's order at Dkt. #19, which  
3 ordered remand rather than dismissal for lack of personal jurisdiction is GRANTED,  
4 and  
5 2. This cause of action is DISMISSED without prejudice for lack of personal  
6 jurisdiction.  
7 3. That part of the court's Order (Dkt. 19) at page 4, lines 3-5 ("Rather than dismiss,  
8 however, because this matter was removed from state court, this matter will be  
9 remanded to the Clark County Superior Court for appropriate action.") shall be and is  
10 stricken. At page 4, line 8, a period shall be inserted following the word "Defendant,"  
11 and the remainder of page 4, line 8 through page 4, line 9 ("and REMANDING this  
12 cause of action to Clark County Superior Court for appropriate action.") shall be and  
13 is stricken.  
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15 DATED this 16<sup>th</sup> day of November, 2005.

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18 FRANKLIN D. BURGESS  
19 UNITED STATES DISTRICT JUDGE  
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